

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF TEXAS

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No. 6:21-cv-00274

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**Jalil Rajaii Floyd,**  
*Plaintiff,*

v.

**Officer Polite et al.,**  
*Defendants.*

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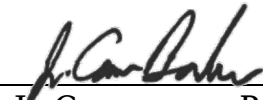
**ORDER**

Plaintiff Jalil Floyd, an inmate of the Texas Department of Criminal Justice, Correctional Institutions Division proceeding pro se, filed this civil action complaining of alleged deprivations of his rights under the Constitution and the Americans with Disabilities Act (“ADA”). The case was referred to United States Magistrate Judge John D. Love. The magistrate judge issued a report recommending that the lawsuit be dismissed as frivolous and for failure to state a claim upon which relief may be granted because the statute of limitations had expired on plaintiff’s claims under 28 U.S.C. § 1915A(b). Doc. 11. Plaintiff filed objections and also filed his first amended complaint, clarifying his claims under the ADA and arguing that this claim against the Texas Department of Criminal Justice, Correctional Institutions Division and the University of Texas Medical Branch, for denying him corrective eyeglasses, arose in 2020. Docs. 13, 14.

Having reviewed the magistrate judge’s report and the objections de novo, the court overrules the petitioner’s objections and accepts the report’s findings and recommendations as to the plaintiff’s civil-rights claims against the individual defendants. These claims, including the ADA claim against Officer Polite for allegedly taking his eyeglasses in 2018, are dismissed with prejudice for purposes of proceeding *in forma pauperis* as frivolous and for failure to state a claim upon which relief may be granted. The individual defendants are dismissed as parties to this lawsuit.

Plaintiff may proceed with his claim under the ADA against the Texas Department of Criminal Justice, Correctional Institutions Division and the University of Texas Medical Branch for allegedly denying him corrective eyeglasses in 2020. The court offers no opinion as to the merits of this claim.

*So ordered by the court on November 8, 2021.*

  
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J. CAMPBELL BARKER  
United States District Judge